

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 3:05-CV-30022-KPN

ALL STATES ASPHALT, INC. and
NEW ENGLAND EMULSIONS CORP.,

Plaintiffs

v.

FIREMAN'S FUND INSURANCE
COMPANY,

Defendant

**PLAINTIFFS' RULE 16
CERTIFICATION**

This is to certify that counsel for the Plaintiffs have conferred with the appropriate Plaintiffs' representatives with a view towards establishing a budget for the costs of conducting the full course and various alternative courses of the litigation. The undersigned have further discussed the possibility of resolving this litigation through the use of alternative dispute resolution programs. Further information needs to be developed before it can be determined whether this case is appropriate for settlement, A.D.R., or full litigation.

Dated: 6/9/05

All States Asphalt, Inc.

By /s/ Richard J. Miller
Its Chief Operating Officer

New England Emulsions Corp.,

By /s/ Richard J. Miller
Its Vice President

/s/ Irving d. Labovitz
Irving D. Labovitz, Esq.
Counsel for the Plaintiffs

Respectfully submitted,

The Plaintiffs, All States Asphalt, Inc. and
New England Emulsions Corp.,
By their attorneys,

/s/ Irving d. Labovitz

Irving D. Labovitz, Esq.
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June 8, 2005

/s/ Paul H. Rothschild

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June 10, 2005

CERTIFICATE OF SERVICE

I, Paul H. Rothschild, hereby certified that on this 13th day of June 2005, I caused a copy of the foregoing Plaintiffs' Rule 16 Certification to be served upon all interested parties by mailing a copy of same, first class mail, postage prepaid, to:

Robert W. Harrington, Esq.
Law Offices of Robert W. Harrington
One Washington Mall
Boston, MA 02018

Paul H. Rothschild

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